

**34948**

**SERVICE DATE - SEPTEMBER 21, 2004**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-307 (Sub-No. 5X)**

**Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption –  
in Carbon County, WY**

## **BACKGROUND**

In this proceeding, Wyoming and Colorado Railroad Company, Inc. (WYCO) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for WYCO to abandon approximately 23.71 miles of rail line located between milepost 0.57 near Walcott and milepost 24.28 in Saratoga, in Carbon County, Wyoming. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, WYCO will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

## **DESCRIPTION OF THE LINE**

According to WYCO, the line proposed for abandonment was constructed in 1907 as part of a longer line extending to Encampment, Wyoming, by the Saratoga & Encampment Railway Company (S&ER). The line was originally constructed to handle copper ore. The mine, however, closed shortly after the line was built. Thereafter, the line's principal traffic consisted of shipments of stock and farm products. Union Pacific (UP) gained control of the S&ER in 1928 and absorbed the S&ER into UP in 1951. WYCO acquired the line from UP in 1987 as part of a larger purchase. Since it was acquired by WYCO, the line has been used to handle shipments of finished lumber and wood chips. The mill located in Saratoga closed in January 2003, thus idling the line. Consequently, WYCO seeks to abandon the line in order to salvage the track and track materials. Upon receipt of abandonment authority, WYCO intends to remove the rail, track material, and crossties. There are currently no plans to remove the three bridge structures along the line.

WYCO states that the line traverses a rural area that is open and flat or slightly rolling. The right-of-way is approximately 100 feet in width. Based on information in WYCO's possession, the line does not contain any federally granted right-of-way. WYCO intends to sell the right-of-way to the adjacent land owners, to the extent the right-of-way is owned in fee.

Three bridges on the line were constructed in 1907 when the line was constructed. Three-span timber pile trestle open deck bridges are located a milepost 0.84 and at milepost 3.19. A

five-span timber pile trestle open deck bridge is located at milepost 3.69. WYCO is not aware of any archeological resources or railroad related historic properties in the project area.

WYCO states that no local traffic has been handled on the line in over a year. The line is stub-ended and no overhead traffic moves over the line. The line was previously used to serve a single customer, Louisiana-Pacific Corporation, located in Saratoga. The only traffic that has moved over the line since it was acquired by WYCO has been lumber, wood chips and a one-time shipment of fluorspar. Since the mill was closed in January 2003, no traffic has moved over the line. Thus, according to WYCO, there will not be any diversion of rail traffic to trucks as a result of the abandonment.

Intermountain Resources, LLC. (IMR), filed a protest on August 31, 2004, protesting WYCO's petition for exemption. IMR purchased the mill in Saratoga from Louisiana-Pacific Corporation on September 26, 2003. IMR plans to reopen the mill by October 15, 2004, and use the WYCO line from Saratoga to Walcott to transport its product from Saratoga.

## **ENVIRONMENTAL REVIEW**

WYCO submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WYCO served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has advised us that 18 geodetic station markers have been identified that may be affected by the proposed abandonment.

The Natural Resources Conservation Service (NRCS) in Casper, Wyoming, does not have any comments on the abandonment of the railroad line but has indicated that they would like to see a plan in place as to what the use of the land will be after the railroad is abandoned and what type of vegetative cover, etc. would be used for this area. WYCO intends to sell the right-of-way to the adjacent land owners, to the extent the right-of-way is owned in fee.

The Wyoming Department of Environmental Quality (DEQ) in Cheyenne has indicated that there are two Water Quality Division permits that may apply to the proposed abandonment, depending on the scope of the project. Any discharger to "waters of the state" must obtain a Temporary Discharge Permit under the National Pollutant Discharge Elimination System program. The type of activity proposed can most likely be covered under the general permit for temporary discharges. A Storm Water Associated with Construction Activities Permit is required when a project results in clearing, grading, or otherwise disturbing one or more acres. A general permit has been established for this purpose. In addition, every effort to prevent erosion of any kind should be taken. Accordingly, we will recommend a consultation condition requiring that

WYCO contact the Wyoming DEQ, Water Quality Division prior to commencement of any salvage activities on this project.

The Department of the Army, Corps of Engineers, Omaha District has indicated that, based on the information provided, the project does not involve the placement of dredged or fill material in wetlands or other waters of the United States. Therefore, Department of the Army authorization is not required for the project under Section 404 of the CWA.

The U.S. Department of the Interior, Fish and Wildlife Service, Mountain-Prairie Region in Lakewood, Colorado, has indicated that they would be interested in negotiating a purchase or donation of the right-of-way property that bisects the Saratoga National Fish Hatchery.

The U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services Office (FWS) in Cheyenne, Wyoming, has determined that several threatened or endangered species, or species proposed for listing under the Endangered Species Act, may be present in the project area. These species include the Bald eagle (threatened), Mountain plover (proposed), Black-footed ferret (endangered), and Ute ladies'-tresses (threatened). The Black-tailed prairie dog, a species that is currently a candidate for listing as threatened or endangered, may occur within the project area. Any work which could lead to the take of a migratory bird under the Migratory Bird Treaty Act should be coordinated with FWS before any actions are taken. In addition, FWS recommends the use of appropriate sedimentation and erosion control devices during and after salvage operations until the areas adjacent to streams, riparian areas, and wetlands are stabilized with a permanent cover of native vegetation. FWS also recommends that appropriate measures be taken in order to prevent sediment, debris, and pollutants from entering streams, riparian areas, and wetlands within the project area. Accordingly, we will recommend a consultation condition requiring that WYCO contact FWS prior to commencement of any salvage activities on this project to minimize potential adverse impacts and develop protective measures within the project area.

## **HISTORIC REVIEW**

WYCO submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. WYCO served the report on the Wyoming Department of State Parks and Cultural Resources, State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that it needs additional information to make an assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

## **CONDITIONS**

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. WYCO shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The National Geodetic Survey (NGS) has identified 18 geodetic station markers that may be affected by the proposed abandonment. Therefore, WYCO shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
3. To address the concerns raised by the Wyoming Department of Environmental Quality, WYCO shall, prior to commencement of any salvage activities on this project, contact the Wyoming Department of Environmental Quality concerning Water Quality Division permitting requirements.
4. To address the concerns raised by the U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services Office (FWS) in Cheyenne, Wyoming, WYCO shall, prior to commencement of any salvage activities on this project, contact FWS to discuss appropriate protective measures for minimizing impacts to Federally threatened and endangered species, any anticipated work that could lead to the take of a migratory bird under the Migratory Bird Treaty Act, and appropriate sedimentation and erosion control devices to be used during and after salvage operations.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public

use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-307 (Sub No. 5X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: September 21, 2004.

Comment due date: **October 21, 2004 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

